

DATE	PROCEEDINGS
5-18-70	Return of Warrant, on Dan W. McCarty in Tulsa on 4-30-70. filed. js
5-18-70	Waiver of Counsel, filed. js
5-18-70	Appearance Bond, (\$2,000.00) filed. js
5-18-70	Order Specifying Methods & Conditions of Release, filed. js
5-18-70	Waiver of Removal Hearing, filed. js
5-18-70	U.S. Commissioner's Report & Recommendation, filed. js
5-18-70	Warrant of Removal on Complaint, (AEB-J). filed. js
6-3-70	Warrant of removal on complaint or information returned, filed - unexecuted as the Dan W. McCarty is at libert on bond. b

DATE	PROCEEDINGS

UNITED STATES COMMISSIONER

Northern DISTRICT OF Oklahoma

RECORD OF PROCEEDINGS IN CRIMINAL CASES 70-CR-104

BEFORE Jack C. Silver 411 U.S. Courthouse, Tulsa, Okla.  
(Name of commissioner) (Address)

COMMISSIONER'S  
DOCKET No. 1 CASE No. 128  
THE UNITED STATES  
vs.  
Dan W. McCarty.

Complaint filed on April 29, 1970, by Henry J. Oliver  
Official title Special Agent, FBI, charging violation of  
United States Code, Title 18, Section 641, on Sept.  
19 67, at Fort Smith, Ark. in the  
division of the Western district of Arkansas  
as follows: while as commanding officer of the  
U.S. Naval Reserve Training Center, Fort Smith,  
did embezzle, purloin and convert to his own use  
by selling property of the U.S. Navy to wit:  
1 Master Lathe Converter, 1 Bending Brake, and  
Forming Machine all excess of \$100.00.  
(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date April 24, 1970 Warrant/Summons for Dan W. MC Carty  
(Name of defendant)

to (name and title of officer) U.S. Marshal or any authorized officer:  
Substance of return

Date Warrant/Summons for  
(Name of defendant)

to (name and title of officer)  
Substance of return

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date April 30, 1970 Arrested by George B. Hamilton  
FBI  
on warrant of John G. Holland  
(Name of issuing officer)  
without warrant.

Appearances { for United States Ben Baker  
(Name)  
for accused None  
(Name)  
(Address)  
(Address)

Proceedings taken on April 30, 1970, the accused was present and advised to his  
(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"

rights to see warrant and Complaint, the accused does not waive his right to  
If arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"  
right to see warrant and Complaint, case passed until Complaint is received.

Bond is set, and adjournments taken, etc.

XXXXXX the amount of \$2,000.00 and deft makes bond. One May 4, 1970,

accused present in person, is informed of the charge and to his constitutional

rights, the accused admits his identity. Accused is given a copy of the

Complaint filed by U.S. Comm. John G. Holland, and his right to counsel. The  
Waives right to Counsel and Waives Removal Hearing.

Outcome Removal to Western District of Arkansas.

Bail fixed April 30, 1970 Amount, \$2,000.00 Bonded April 30, 1970, by cash  
deposited by (name) Address  
transmitted to clerk of district court, 19 [or] by surety  
(name) Address  
(name) Address, who  
justified by affidavit dated, 19, [or] committed to  
on, 19

SUBPOENAS FOR WITNESSES ISSUED:

\_\_\_\_\_, 19\_\_\_\_, for (name of witness) \_\_\_\_\_  
at request of (name of party) \_\_\_\_\_  
Substance of return \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_, for (name of witness) \_\_\_\_\_  
at request of (name of party) \_\_\_\_\_  
Substance of return \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_, for (name of witness) \_\_\_\_\_  
at request of (name of party) \_\_\_\_\_  
Substance of return \_\_\_\_\_

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date \_\_\_\_\_ Appearances for \_\_\_\_\_

{ United States (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
Accused (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_


WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

Witness payroll containing \_\_\_\_\_ names certified to United States Marshal for payment \_\_\_\_\_, 19\_\_\_\_  
Proceedings taken On May 4, 1970, the accused waives Removal Hearing,  
the accused signed the Waiver of Removal Hearing. Case  
transferred to Western District of Arkansas.

Outcome \_\_\_\_\_  
Bail fixed \_\_\_\_\_, 19\_\_\_\_ Amount, \$ \_\_\_\_\_ Bonded \_\_\_\_\_, 19\_\_\_\_, by cash  
deposited by (name) \_\_\_\_\_ Address \_\_\_\_\_  
transmitted to clerk of district court \_\_\_\_\_, 19\_\_\_\_  
[or] by surety (names) \_\_\_\_\_ Address \_\_\_\_\_  
and \_\_\_\_\_ Address \_\_\_\_\_  
who justified by affidavit \_\_\_\_\_, 19\_\_\_\_ Committed to \_\_\_\_\_  
on \_\_\_\_\_, 19\_\_\_\_  
Certified to be a correct transcript.  
Made this 5th day of May \_\_\_\_\_, 19 70.  
Transmitted to Clerk of United States District Court for the Western  
district of Arkansas \_\_\_\_\_, May 5, 1970.

  
United States Commissioner.